

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

**UNITED STATES SECURITIES  
AND EXCHANGE COMMISSION,**

**Plaintiff,**

**v.**

**ANDREW M. MIDDLEBROOKS, et  
al.**

**Defendants.**

**Case No. 22-cv-11073**

**Hon. Stephen J. Murphy, III**

---

**NOTICE OF JOINT STATEMENT REGARDING CASE STATUS**

---

Plaintiff United States Securities and Exchange Commission (“SEC”), and Defendants Andrew M. Middlebrooks and EIA All Weather Alpha Fund I Partners, LLC, through their counsel, hereby submit this joint statement regarding the current status of this case, which was recently re-assigned from the Honorable Bernard A. Friedman to the Honorable Stephen J. Murphy, III., March 13, 2024 Text-Only Order, and involves a parallel federal criminal case pending in this District, *U.S. v. Andrew Middlebrooks*, 2:22-cr-20516-TGB-EAS-1.

**SUMMARY OF CURRENT CASE STATUS**

As alleged in the SEC’s Complaint filed on May 18, 2022, the SEC brought this case as an emergency enforcement action to stop an ongoing offering fraud

and misappropriation of investor assets by Defendants in connection with raising approximately \$39 million from over 100 investors for a private fund. Doc. 1, at ¶¶ 1-2. The SEC filed a Motion for Temporary Restraining Order, an Asset Freeze, and Other Emergency Ancillary Relief (“TRO”) with the Complaint, Docs. 3-14, and on May 19, 2022, the Court issued the TRO. Doc. 15. On June 1, 2022, the Court entered a Stipulated Preliminary Injunction, Asset Freeze, and Other Relief (“PI”) that extended the asset freeze and other relief through final disposition of this action or further action by the Court. Doc. 26.

Defendants sought a stay of this proceeding based on anticipated federal criminal charges against Defendant Middlebrooks in a parallel matter. Doc. 28. On August 10, 2022, the Court issued a stay of this matter, noted that the PI shall remain in effect, and set a status conference for October 12, 2022. Doc. 38.

On October 11, 2022, an Information was filed as to Andrew Middlebrooks by the United States Attorney’s Office for the Eastern District of Michigan. *U.S. v. Middlebrooks*, 2:22-cr-20516-TGB-EAS-1 (the “Criminal Case”), Doc. 1. At the October 12, 2023 status conference in the instant case, the Court ruled that the stay is continued and set a status conference for January 25, 2023. October 12, 2023, Minute Entry. The case remains stayed.

Defendant Middlebrooks entered a guilty plea in the Criminal Case and on December 7, 2022, the Court set sentencing for April 6, 2023. 2:22-cr-20516-TGB-EAS-1, December 6, 2022, Minute Entry, Doc. 13.

On January 20, 2023, the Court in the instant case adjourned the January 25, 2023 status conference and noted that it “will be reset after the sentencing of defendant Andrew Middlebrooks.” January 20, 2023, Text-Only Order. On March 17, 2023, the Court reset the status conference for April 19, 2023. Doc. 49.

The Court in the Criminal Case reset sentencing for June 6, 2023. 2:22-cr-20516-TGB-EAS-1, March 24, 2023 Set/Reset Deadlines/Hearings. The Court in this case adjourned the April 19, 2023 status conference noting that it “will be reset after the 6/6/2023 sentencing of defendant Andrew Middlebrooks.” April 18, 2023 Text-Only Notice.

The Court in the Criminal Case subsequently reset Defendant Middlebrooks sentencing date several times. The parties communicated with the Court about rescheduling the status conference in this case on several occasions. The status conference has not been reset to date.

Defendant Middlebrooks states that the reason Mr. Middlebrooks’ sentencing hearing in the Criminal Case has been adjourned on multiple occasions is due to Mr. Middlebrooks' ongoing cooperation with the U.S. Attorney's Office

and FBI in the criminal case. Once that cooperation has completed, sentencing will be able to proceed.

Defendant Middlebrooks's sentencing date in the Criminal Case is currently set for June 13, 2024. 2:22-cr-20516-TGB-EAS-1, March 26, 2024, Set/Reset Deadlines/Hearings.

\* \* \*

The PI and stay in this case have remained in place, although the status conference originally set January 25, 2023, has still not occurred due to delays in Mr. Middlebrooks's sentencing in the Criminal Case. In light of the current status of this case and the parallel Criminal Case, the parties understand that a status conference will be set for a date after Mr. Middlebrooks is sentenced in the Criminal Case. The parties are, of course, available prior to that time if helpful to the Court.

Dated: March 29, 2024

Respectfully submitted,

s/ Zachary T. Carlyle

Zachary T. Carlyle

U.S. Securities and Exchange  
Commission

1961 Stout Street, Suite 1700

Denver, CO 80294-1961

Phone: 303.844.1084

Email: carlylez@sec.gov

*Attorneys for Plaintiff*

*U.S. Securities and Exchange  
Commission*

Local Counsel for Plaintiff

DAWN N. ISON

United States Attorney

Kevin R. Erskine (P69120)

Assistant United States Attorney

U.S. Attorney's Office – Eastern  
District of Michigan

211 West Fort Street, Suite 2001

Detroit, Michigan 48226

Phone: (313) 226-9610

Email: Kevin.Erskine@usdoj.gov

s/ R. Michael Bullotta

(with permission)

R. Michael Bullotta

Bullotta Law PLLC

615 Griswold St., Ste 1620

Detroit Michigan 48226

*Counsel for Andrew Middlebrooks,*

*EIA All Weather Alpha Fund I*

*Partners, LLC*

Certificate of Service

I hereby certify that on this 29<sup>th</sup> day of March, 2024, I caused the foregoing document to be electronically filed with the Court using the ECF system, which will send notification of such filing to ECF-registered counsel.

s/Zachary T. Carlyle